

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

ERNEST Y. MARTIN
CHAIR & PRESIDING OFFICER
IKAIKA ANDERSON
VICE CHAIR
BREENE HARIMOTO
FLOOR LEADER
STANLEY CHANG
CAROL FUKUNAGA
ANN H. KOBAYASHI
JOEY MANAHAN
RON MENOR
KYMBERLY MARCOS PINE

JOURNAL

REGULAR MEETING
4TH SESSION
WEDNESDAY, FEBRUARY 20, 2013

KAPOLEI HALE
1000 ULUOHIA STREET, CONFERENCE ROOMS A, B AND C
KAPOLEI, HAWAII 96707

Note: The video of the full proceedings of this meeting can be viewed at <http://www1.honolulu.gov/cameras/council/index.htm> or a copy of the video may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

Pursuant to adjournment, the regular meeting of the City Council was called to order by the Chair and Presiding Officer, Ernest Y. Martin, at 10:05 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Anderson, Chang, Fukunaga, Harimoto, Manahan, Menor, Kobayashi, Pine, Martin - 9.

INTRODUCTION OF GUESTS

Councilmember Harimoto called upon Olga Ivanova to introduce the group of individuals from Russia who are visiting Hawaii to learn about accountable governance and the role of the legislature as it relates to state and community governance. Ms. Ivanova introduced Natalya Golyakova, a personal staff member of the Samara City Council and a member of the Samara Youth City Council; Galina Lipatova, Press Secretary for the Khanty-Mansi Region Youth Legislature; Oleg Mkhaylov, a member of the Seredka Subdistrict Council; Roman Stepanenko, a member of the Samara City Council; and Yevgeniy Volynets, the Vice Speaker of the Salmatovo City Council.

RECESS/RECONVENE

At 10:09 a.m., the Chair called for a short recess and reconvened the meeting at 10:16 a.m.

Councilmember Pine stated that the Leeward Coast residents were honored by the presence of the City Council at Kapolei and she thanked those who came from town. She also thanked Chair Martin for his commitment to hold Council meetings at Kapolei Hale.

APPROVAL OF MINUTES

Councilmember Anderson moved that the Minutes of the 3rd Session (January 30, 2013) be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Harimoto.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ORDER OF THE DAY – MORNING CALENDAR

ADOPTION

RESOLUTION 13-19 – COMMITTEE REPORT 17

RESOLUTION RELATING TO THE NOMINATION OF MARK K. RIGG TO SERVE AS THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Fukunaga moved Committee Report 17 and Resolution 13-19 be adopted. Seconded by Councilmember Pine.

There was no public testimony.

Councilmember Anderson shared the compelling story of how Mr. Rigg, as a young paramedic, answered an emergency call and helped to save the life of his mother days after she gave birth to his younger sister. He stated that he was honored to confirm Mr. Rigg as the Director of the Department of Emergency Services.

Committee Report 17 and Resolution 13-19 was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Chair Martin recognized and congratulated Mr. Rigg on his appointment.

Director Rigg welcomed the Russian delegation and he thanked Pastor Marczon for his inspirational words and Mayor Caldwell for the opportunity to serve the City and County of Honolulu, and expressed his appreciation for the oral and written testimony submitted on his behalf.

ADOPTION

RESOLUTION 13-3 – COMMITTEE REPORT 20

RESOLUTION RELATING TO THE NOMINATION OF CLARKE LANCE KUHAUPI‘O BRIGHT AS DIRECTOR OF THE ROYAL HAWAIIAN BAND OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Manahan moved Committee Report 20 and Resolution 13-3 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Councilmember Manahan spoke in strong support of Resolution 13-3. He stated that Mr. Bright has been serving as the Director of the Royal Hawaiian Band (RHB) and much testimony has been received in support of the nominee, including Aaron Mahi, a former director of the RHB.

Committee Report 20 and Resolution 13-3 was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Chair Martin recognized and congratulated Mr. Bright on his appointment.

Director Bright expressed appreciation for the opportunity to continue serving the City and County of Honolulu.

ADOPTION

RESOLUTION 13-4 – COMMITTEE REPORT 21

RESOLUTION RELATING TO THE NOMINATION OF SHERILYN T. KAJIWARA TO SERVE AS THE DIRECTOR OF CUSTOMER SERVICES OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Manahan moved Committee Report 21 and Resolution 13-4 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Councilmember Manahan urged councilmembers to support Resolution 13-4. He noted that Ms. Kajiwara worked her way up through the ranks in City government and is qualified to serve as the Director of the Customer Services Department.

Committee Report 21 and Resolution 13-4 was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.

NOES: None.

Chair Martin recognized and congratulated Ms. Kajiwara on her appointment.

Director Kajiwara expressed her appreciation for the Council's vote of confidence in her ability to help the Customer Services Department move forward.

ADOPTION

RESOLUTION 13-20 – COMMITTEE REPORT 35

RESOLUTION RELATING TO THE NOMINATION OF ROSS S. SASAMURA TO SERVE AS THE CHIEF ENGINEER OF THE DEPARTMENT OF FACILITY MAINTENANCE OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Chang moved Committee Report 35 and Resolution 13-20 be adopted.
Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 35 and Resolution 13-20 was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.

NOES: None.

Chair Martin recognized and congratulated Mr. Sasamura on his appointment.

Chief Engineer Sasamura thanked the Council for confirming his appointment and noted that he looked forward to serving the City and County of Honolulu for the next four years.

Related communication:

M-351 Gareth Sakakida, Hawaii Transportation Association

ADOPTION

RESOLUTION 13-21 – COMMITTEE REPORT 36

RESOLUTION RELATING TO THE NOMINATION OF LORI M. K. KAHIKINA, TO SERVE AS THE DIRECTOR OF ENVIRONMENTAL SERVICES OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Chang moved Committee Report 36 and Resolution 13-21 be adopted.
Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 36 and Resolution 13-21 was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.

NOES: None.

Chair Martin recognized and congratulated Ms. Kahikina on her appointment.

Director Kahikina expressed appreciation for the Mayor's appointment and the Council's support, and expressed her desire to serve the City and County of Honolulu honorably.

Related communications:

M-360	Mark. A. Goodrowe
M-369	Marnie Koga Hursty, General Contractors Association of Hawaii
M-380	Tyler Dos Santos-Tam, Hawai'i Construction Alliance

ADOPTION

RESOLUTION 13-22 – COMMITTEE REPORT 37

RESOLUTION RELATING TO THE NOMINATION OF CHRIS T. TAKASHIGE TO SERVE AS THE DIRECTOR OF DESIGN AND CONSTRUCTION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Chang moved Committee Report 37 and Resolution 13-22 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 37 and Resolution 13-22 was adopted.

AYES:	ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 9.
NOES:	None.

Chair Martin recognized and congratulated Mr. Takashige on his appointment.

Director Takashige expressed his appreciation and intention to meet the Council's expectations in fulfilling the duties of the Department of Design and Construction Director.

Related communications:

M-370	Marnie Koga Hursty, General Contractors Association of Hawaii
M-381	Tyler Dos Santos-Tam, Hawai'i Construction Alliance

ADOPTION

RESOLUTION 13-13 – COMMITTEE REPORT 44

RESOLUTION RELATING TO THE NOMINATION OF MICHAEL D. FORMBY AS DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Harimoto moved Committee Report 44 and Resolution 13-13 be adopted. Seconded by Councilmember Manahan.

The following individual testified:

Natalie Iwasa (Support)

Committee Report 44 and Resolution 13-13 was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 9.

NOES: None.

Chair Martin recognized and congratulated Mr. Formby on his appointment.

Director Formby expressed appreciation for the confirmation of his appointment and noted his excitement in facing the opportunities ahead.

Related communications:

M-371 Marnie Koga Hursty, General Contractors Association of Hawaii
M-382 Joseph M. Magaldi, Jr.

THIRD READING

BILL 73 (2012), CD1 – COMMITTEE REPORT 29

A BILL FOR AN ORDINANCE RELATING TO APPROVAL OF CONSOLIDATED PLAN AND ANNUAL ACTION PLANS.

Councilmember Kobayashi moved that Committee Report 29 be adopted and Bill 73 (2012), CD1 pass third reading. Seconded by Councilmember Chang.

There was no public testimony.

Committee Report 29 was adopted and Bill 73 (2012), CD1 passed third reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

THIRD READING

BILL 68 (2012), CD1 – COMMITTEE REPORT 38

A BILL FOR AN ORDINANCE RELATING TO PERMIT FEES FOR PHOTOVOLTAIC SOLAR ELECTRIC POWER SYSTEMS.

Councilmember Anderson moved that Committee Report 38 be adopted and Bill 68 (2012), CD1 pass third reading. Seconded by Councilmember Harimoto.

There was no public testimony.

Councilmember Anderson urged councilmembers to join him in support of Bill 68 (2012), CD1. He stated that the City has been losing more than \$100,000 a month in income and the Bill would allow the City to charge fees for photovoltaic solar electric power systems and provide the Department of Planning and Permitting with the necessary funds to process permit applications for these systems.

Committee Report 38 was adopted and Bill 68 (2012), CD1 passed third reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Related communication:

M-377 Gladys Marrone, Building Industry Association of Hawaii

THIRD READING

BILL 74 (2012) – COMMITTEE REPORT 39

A BILL FOR AN ORDINANCE RELATING TO THE BUILDING CODE.

Councilmember Anderson moved that Committee Report 39 be adopted and Bill 74 (2012) pass third reading. Seconded by Councilmember Harimoto.

There was no public testimony.

Committee Report 39 was adopted and Bill 74 (2012) passed third reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

RECOMMITTAL TO COMMITTEE ON ZONING AND PLANNING

BILL 75 (2012), CD2 – COMMITTEE REPORT 40

A BILL FOR AN ORDINANCE RELATING TO HOTELS.

Councilmember Anderson moved that Committee Report 40 and Bill 75 (2012), CD2 be recommitted to the Committee on Zoning and Planning. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Gene Awakuni, University of Hawaii West Oahu (M-373) (Oppose CD2 version)
2. Tyer Dos Santos-Tam, Hawai'i Construction Alliance (M-382) (Oppose CD2 version)
3. James Manaku (Oppose)
4. Peter Lee, Hawaii Laborers-Employers Cooperation and Education Trust (M-383)
 (Oppose CD2 version)
5. Polly Grace (Oppose)

Councilmember Anderson urged councilmembers to support the recommitment of Committee Report 40 and Bill 75 (2012), CD2 back to the Committee for further deliberation and to ensure a legally solid measure.

Committee Report 40 and Bill 75 (2012), CD2 were recommitted to the Committee on Zoning and Planning.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 9.

NOES: None.

Councilmember Anderson moved that a 90-day extension of time be granted for Bill 75 (2012), CD2. Seconded by Councilmember Harimoto.

A 90-day extension of time was granted for Bill 75 (2012), CD2.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 9.

NOES: None.

Related communications:

D-82	George I. Atta, Department of Planning and Permitting
M-365	General Contractors Association of Hawaii
M-384	Cindy McMillan, The Pacific Resource Partnership
M-385	Gladys Marrone, Building Industry Association of Hawaii
M-386	Land Use Research Foundation of Hawaii
M-387	Ricky Y. Tamashiro, Masons Union

FIRST READING

BILL 2

(Public Safety and Economic Development)

A BILL FOR AN ORDINANCE RELATING TO THE REGULATION OF SIDEWALKS.

Councilmember Anderson moved that Bill 2 pass first reading. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Don Crescimanno (M-388) (General comment)
2. Sugar Russell (Oppose)

In response to Councilmember Pine, Ms. Russell stated that:

- She is part of deOccupy Honolulu which has been at Thomas Square since November 5, 2011. deOccupy Honolulu focuses on complying with ADA standards and providing adequate space for the public to pass.
- For personal care, she uses the bathroom at the park and the YMCA and knows of some individuals with memberships that utilize gyms.
- Day-to-day struggles include the weather, sleeping on concrete, respiratory problems due to breathing in exhaust fumes while sleeping next to the road, and hearing problems.
- She is a major supporter of housing first because inadequate shelters are poorly run and often result in illnesses and traumatic situations which can trigger nightmares, sleep disturbances, depression and anxiety.
- While some homeless individuals may be addicts, dangerous or have mental issues, there are many others who are employed but have fallen on hard times and are simply trying to keep themselves and their families together and others may be living on the streets because of spousal or parental abuse or they have been kicked out because of their sexual orientation.

3. Christopher Nova Smith (Oppose)
4. Chris K. Camarillo (Oppose)
5. Matthew Olsen (Oppose)
6. Michael Tada (Oppose)
7. David Cannell (Oppose)
8. James Manaku, Sr. (Oppose)
9. Michael Broady, Jr. (Oppose Bills 2, 6 and 7)
10. Natalie Iwasa (General comment on Bills 2, 6 and 7)

Councilmember Anderson requested that councilmembers support moving Bills 2, 6, 7, 8 and 9 forward for further discussion in committee. With regard to Bills 2, 6 and 7, he urged the Committee to place the bills on a future agenda for discussion purposes only prior to

decision-making in order to allow dialogue with affected individuals and the proper government authorities to ensure the enactment of solid measures.

Councilmember Pine spoke in support of moving Bills 2, 6 and 7 forward to the Committee on Public Safety for further discussion on amendments to the measures in order to address the various concerns that have been raised.

Bill 2 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Related communication:

M-348 Bob Loy

FIRST READING

BILL 6

(Public Safety and Economic Development)

A BILL FOR AN ORDINANCE RELATING TO SIDEWALKS AND MALLS.

Councilmember Anderson moved that Bill 6 pass first reading. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Glen Elliott (Oppose)
2. Matt Olsen (Oppose)
3. Sugar Russell (M-389) (Oppose)
4. Christopher Nova Smith (Oppose)
5. Don Crescimanno (M-388) (General comment)
6. Chris K. Camarillo (Oppose)
7. Michael Tada (Oppose)
8. James Manaku, Sr. (General comment)
9. David Cannell (Oppose)

Bill 6 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Related communications:

M-349	Bob Loy
M-361	Mary F. Jossem
M-362	Ben Robinson
M-363	Miki Lee
M-375	Tom and Paula Meehan
M-378	Dave Mulinix
M-390	Samuel Mitchell
M-391	Daniel Gluck, American Civil Liberties Union
M-392	Samuel Mitchell
M-393	Deborah Kiimball

FIRST READING

BILL 7

(Public Safety and Economic Development)

A BILL FOR AN ORDINANCE RELATING TO NUISANCES ON PUBLIC SIDEWALKS.

Councilmember Anderson moved that Bill 7 pass first reading. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Matt Olsen (Oppose)
2. Sugar Russell (Oppose)
3. Christopher Nova Smith
4. Don Crescimanno (M-388) (General comment)
5. Chris K. Camarillo (Oppose)
6. Michael Tada (Oppose)
7. David Cannell (Oppose)
8. James Manaku, Sr. (General comment)
9. Polly Grace (General comment)

Bill 7 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Related communications:

M-350	Bob Loy
M-361	Mary F. Jossem
M-362	Ben Robinson
M-363	Miki Lee
M-375	Tom and Paula Meehan
M-378	Dave Mulinix
M-392	Samuel Mitchell
M-393	Deborah Kiimball
M-394	Samuel Mitchell
M-395	Daniel Gluck, American Civil Liberties Union
M-396	Karen Edwards

FIRST READING

BILL 8

(Parks)

A BILL FOR AN ORDINANCE RELATING TO PUBLIC PARKS.

Councilmember Anderson moved that Bill 8 pass first reading. Seconded by Councilmember Harimoto.

The following individuals testified:

1. Christopher Nova Smith (Oppose)
2. Chris K. Camarillo (Oppose)
3. Matthew Olsen (Oppose)
4. Michael Tada (Oppose)
5. Sugar Russell (General comment)
6. David Cannell (General comment)
7. James Manaku, Sr. (General comment)
8. Polly Grace (General comment)

9. Don Crescimanno (M-388) (General comment)
10. H. Doug Matsuoka (General comment)

Bill 8 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.
NOES: None.

Related communication:

M-364 Charles A. Prentiss, Kailua Neighborhood Board

FIRST READING

BILL 9

(Transportation)

A BILL FOR AN ORDINANCE RELATING TO THE TRANSIT MANAGEMENT SERVICES CONTRACTOR.

Councilmember Anderson moved that Bill 9 pass first reading. Seconded by Councilmember Harimoto.

There was no public testimony.

Bill 9 passed first reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 13-29 – COMMITTEE REPORT 18

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FOR THE HONOLULU POLICE DEPARTMENT TO RECEIVE 30 TICKETS VALUED AT \$3,600 (\$120 PER PERSON) FROM THE HONOLULU POLICE COMMUNITY FOUNDATION (HPCF) FOR ATTENDANCE AT THE HPCF'S 6TH ANNUAL HONOLULU'S FINEST DINNER.

Councilmember Fukunaga moved that Committee Report 18 and Resolution 13-29 be adopted. Seconded by Councilmember Pine.

There was no public testimony.

Committee Report 18 and Resolution 13-29 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 13-10 – COMMITTEE REPORT 22

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE FRIENDS OF HONOLULU PARKS AND RECREATION.

Councilmember Manahan moved that Committee Report 22 and Resolution 13-10 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 22 and Resolution 13-10 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 13-11 – COMMITTEE REPORT 23

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE BANK OF HAWAII FOR THE 2013 SENIOR CITIZENS VALENTINE DANCE ON FEBRUARY 12, 2013.

Councilmember Manahan moved that Committee Report 23 and Resolution 13-11 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 23 and Resolution 13-11 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 13-12 – COMMITTEE REPORT 24

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM MR. JAMES KANAE OF EXERCISE EQUIPMENT FOR KALAKAUA DISTRICT PARK'S WEIGHT ROOM.

Councilmember Manahan moved that Committee Report 24 and Resolution 13-12 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 24 and Resolution 13-12 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 13-30 – COMMITTEE REPORT 25

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM FIRST HAWAIIAN BANK FOR THE DEPARTMENT OF PARKS AND RECREATION'S ANNUAL OAHU PRIMETIME WELLNESS FAIR ON MARCH 7, 2013.

Councilmember Manahan moved that Committee Report 25 and Resolution 13-30 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 25 and Resolution 13-30 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 13-31 – COMMITTEE REPORT 26

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM THE FAMILY OF HERBY GROSSMAN OF FUNDS TO PURCHASE A STANDARD BENCH TO BE INSTALLED AT AINA MOANA BEACH PARK.

Councilmember Manahan moved that Committee Report 26 and Resolution 13-31 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 26 and Resolution 13-31 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 13-9 – COMMITTEE REPORT 31

RESOLUTION APPROVING COLLECTIVE BARGAINING COST ITEMS FOR THE INCLUDED EMPLOYEES OF THE CITY AND COUNTY OF HONOLULU IN BARGAINING UNIT 10 (UNITED PUBLIC WORKERS).

Councilmember Kobayashi moved that Committee Report 31 and Resolution 13-9 be adopted. Seconded by Councilmember Chang.

There was no public testimony.

Committee Report 31 and Resolution 13-9 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 PINE, MARTIN – 8.
NOES: None.
ABSENT: HARIMOTO – 1.

Related communication:

M-374 Dayton M. Nakanelua, United Public Workers, AFSCME, Local 646

ADOPTION

RESOLUTION 13-16, CD1 – COMMITTEE REPORT 32

RESOLUTION RELATING TO THE EXECUTIVE OPERATING BUDGET AND PROGRAM FOR FISCAL YEAR 2013, ORDINANCE NO. 12-19, SECTION 10, MISCELLANEOUS PROVISION FOR GRANTS, PARTNERSHIPS AND SECURITY AND THE TRANSFER OF FUNDS TO THE DEPARTMENT OF TRANSPORTATION SERVICES FOR THE CONTRA-FLOW UPDATE STUDY (WE 203.84-13) AND THE TRAFFIC SIGNAL PRIORITIZATION METHODOLOGY STUDY (WE 201.01-12).

Councilmember Kobayashi moved that Committee Report 32 and Resolution 13-16, CD1 be adopted. Seconded by Councilmember Chang.

There was no public testimony.

Committee Report 32 and Resolution 13-16, CD1 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 13-23, CD1, FD1 – COMMITTEE REPORT 33

RESOLUTION RELATING TO TRANSFER OF FUNDS.

The following amendment was posted on the agenda:

Resolution 13-23, CD1, Proposed FD1

Councilmember Kobayashi moved that Committee Report 33 and Resolution 13-23, CD1 be adopted. Seconded by Councilmember Chang.

Councilmember Kobayashi moved that the Resolution be amended to FD1. Seconded by Councilmember Chang. The amendment corrects the transferred amount of General Fund monies.

There was no public testimony.

Resolution 13-23, CD1 was amended to FD1.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 9.

NOES: None.

Committee Report 33 and Resolution 13-23, CD1, FD1 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MENOR, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 13-26, CD1 – COMMITTEE REPORT 45

RESOLUTION URGING THE LEGISLATURE TO APPROPRIATE FUNDS FOR THE HAWAII HEALTH SYSTEMS CORPORATION PRIMARY CARE TRAINING PROGRAM.

Councilmember Pine moved that Committee Report 45 and Resolution 13-26, CD1 be adopted. Seconded by Councilmember Anderson.

There was no public testimony.

Committee Report 45 and Resolution 13-26, CD1 were adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

BALANCE OF COMMITTEE REPORTS

ZPCR-42 Bill 77 (2012) – Rezoning land situated at Honouliuli, Oahu,
 Hawaii. Granting a 90-day extension of time. (Deadline:
 3/3/13 + 90 days)

Councilmember Anderson moved that the Balance of Committee Reports, as listed above,
be adopted. Seconded by Councilmember Harimoto.

There was no public testimony.

The Balance of Committee Reports was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

SUNSHINE/ADOPTION RESOLUTION 13-37

RESOLUTION RELATING TO THE ACCEPTANCE OF A GIFT TO THE CITY FROM
ABIGAIL K. KAWANANAKOA.

Pursuant to HRS Section 92-7, the Sunshine Law, Councilmember Anderson moved that
Resolution 13-37 be added to the agenda. Seconded by Councilmember Harimoto.

Resolution 13-37 was added to the agenda.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

Councilmember Anderson moved that Resolution 13-37 be adopted. Seconded by Councilmember Harimoto.

There was no public testimony.

Councilmember Kobayashi thanked Princess Abigail K. Kawanānakoā for her generosity in responding to the plight of the seniors and children who have been unable to utilize Manoa pool. She also thanked Craig Maeda from the Department of Parks and Recreation for his rapid response in providing information on the status of the heater at Manoa pool.

Resolution 13-37 was adopted.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN – 9.
NOES: None.

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

RECESS/RECONVENE

At 12:23 p.m, the Chair called for a recess and reconvened the meeting at 2:00 p.m.

EXECUTIVE SESSION ITEMS

There were no Executive Session items.

ORDER OF THE DAY - AFTERNOON CALENDAR

APPOINTMENTS – MAYOR’S CABINET

At this juncture, Chair Martin called upon Mayor Kirk Caldwell, who had requested to personally introduce his Cabinet appointments.

Mayor Caldwell expressed appreciation for the opportunity to briefly introduce two new nominees to his Cabinet for whom he requests confirmation from the Council.

PUBLIC HEARING

PAMELA WITTY-OAKLAND, DIRECTOR, DEPARTMENT OF COMMUNITY SERVICES
(MM-10)

There was no public testimony.

Director Designate Witty-Oakland introduced herself and noted that she looks forward to meeting and working with the Council through the confirmation process.

The Chair referred the matter and Communication MM-10 to the Committee on Intergovernmental Affairs and Human Services for further consideration.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.
NOES: None.

Related communications:

MM-26	Mayor Kirk Caldwell
M-366	Susan M. Hashimoto, St. Francis Healthcare System of Hawaii
M-367	Eugene N. Tiwanak, Tiwanak Associates Hawaii, LLC
M-399	Nathan K. Hokama
M-400	Michael Kujubu, Alakea Design Group
M-401	Vicki Gaynor
M-402	Cheryl Tamura, St. Francis Healthcare Foundation of Hawaii

PUBLIC HEARING

TONI P. ROBINSON, DIRECTOR, DEPARTMENT OF PARKS AND RECREATION
(MM-22)

There was no public testimony.

Director Designate Robinson introduced herself and noted that she looks forward to meeting and working with the Council through the confirmation process.

The Chair referred the matter and Communication MM-22 to the Committee on Parks for further consideration.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.

NOES: None.

Related communications:

M-368	Wilbert Ching
M-379	John L. Buck III, Office of Maui Mayor Alan M. Arakawa
M-397	Robert K. Miyashita

Councilmember Pine expressed her appreciation to the Mayor and his Cabinet for giving the Leeward area residents the privilege of their time to attend the Council meeting in Kapolei.

Council Chair Martin also thanked the Mayor for his presence at the meeting.

Councilmember Anderson commended the Mayor for attending the Council meeting and added that he had the opportunity to meet with both nominees who are very qualified for their respective posts. Furthermore, he thanked the Mayor for inviting him and Council Chair Martin to a joint press conference on February 19, 2013 to clarify the interpretation of Ordinance 12-28, relating to commercial activities at certain City parks.

SECOND READING/PUBLIC HEARING
BILL 78 (2012) – COMMITTEE REPORT 16

A BILL FOR AN ORDINANCE RELATING TO PALMISTRY.

Councilmember Fukunaga moved that Committee Report 16 be adopted and Bill 78 (2012) pass second reading. Seconded by Councilmember Pine.

There was no public testimony.

Committee Report 16 adopted and Bill 78 (2012) passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.
NOES: None.

SECOND READING/PUBLIC HEARING
BILL 5, CD1 – COMMITTEE REPORT 19

A BILL FOR AN ORDINANCE RELATING TO PUBLIC PARKS.

Councilmember Manahan moved that Committee Report 19 be adopted and Bill 5 pass second reading, as amended to CD1. Seconded by Councilmember Menor.

The following individuals testified:

1. Chuck Prentiss, Chair, Kailua Neighborhood Board (Oppose)
2. Jeffrey Higa, Hawaii's Plantation Village (M-403) (Support)
3. Natalie Iwasa (Comments)
4. Polly Grace (Support)
5. Danelle Medeiros (Oppose)

In response to questions by Councilmember Pine, Ms. Medeiros explained that residents who simply want to hold picnics at parks, such as birthday parties, are told by the Department of Parks and Recreation's (DPR) Permit Office that third-party vendors are restricted from delivering commodities such as tables, chairs, tents and inflatable bounce structures at City parks. The new law significantly impacts small businesses that provide party rental services for local residents.

6. Mel Kahele (Comments)
7. Ursula Retherford (Oppose)
8. Kathleen Ellis (Support)
9. Suzanne Gilbert (Comments)
10. Levani Lipton (Comments)
11. Pauline MacNeil (Oppose)

In response to questions by Councilmembers, Mayor Caldwell explained that there may have been a misinterpretation by the previous Administration of Ordinance 12-28 passed by the Council last year relating to commercial activities at parks. After concerns were brought to his attention by Council Chair Martin and Councilmember Anderson, he requested the issue be reviewed with Corporation Counsel (COR). According to COR, the new law is limited to Kailua Beach Park and Kalama Beach Park and the permitting

process remains the same for nonprofit groups to hold events with fundraising activities at City parks, such as the Wahiawa Pineapple Festival, Haleiwa Arts Festival and Okinawan Festival. The Mayor explained the urgency to hold a press conference a day before the Council meeting to clarify the interpretation of the Ordinance and explain why a moratorium on enforcement and Bill 5 are not necessary.

Council Chair Martin pointed out that based on Mayor Caldwell's statements, although the previous Administration received the same legal interpretation, they disregarded that legal advice and applied a broad interpretation in retribution of the Council's action of overriding the Mayor's veto.

Councilmember Pine expressed concerns that private family events at City parks have been interpreted as commercial activities by parks staff.

In response to questions by Councilmembers, Director Designate Robinson clarified the rules and regulations for Picnic Permits for groups of 50 or more participants in which commercial vendors that rent out bouncers, tents, chairs and tables are allowed to support those events. A mass email has been sent to all DPR's staff clarifying the rules and a directive that the processing of Picnic Permits be the same as in 2010.

Councilmember Anderson moved that action on Committee Report 19 and Bill 5, CD1 be deferred. Seconded by Councilmember Harimoto.

Committee Report 19 and Bill 5, CD1 were deferred.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
MENOR, PINE, MARTIN - 9.

NOES: None.

SECOND READING/PUBLIC HEARING
BILL 58 (2012) – COMMITTEE REPORT 27

A BILL FOR AN ORDINANCE RELATING TO THE ISLAND-WIDE FARE STRUCTURE.

Councilmember Kobayashi moved that Committee Report 27 be adopted and Bill 58 (2012) pass second reading. Seconded by Councilmember Chang.

The following individual testified:

Natalie Iwasa (Oppose)

Councilmember Kobayashi asked that the Council pass the Bill on second reading and for it to be referred back to Committee for further discussion and consideration.

Councilmember Pine noted her support with reservations for the Bill. She explained her concerns of providing free fares for certain riders while many residents are still urging the City to restore bus services that had been previously cut.

Committee Report 27 adopted and Bill 58 (2012) passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE*, MARTIN - 9.
NOES: None.

*Councilmember Pine voted aye with reservations.

Related communication:

M-398 Lynne Matusow

SECOND READING/PUBLIC HEARING
BILL 4, CD1 – COMMITTEE REPORT 30

A BILL FOR AN ORDINANCE RELATING TO THE GRANTS IN-AID FUND.

Councilmember Kobayashi moved that Committee Report 30 be adopted and Bill 4 pass second reading, as amended to CD1. Seconded by Councilmember Chang.

The following individuals testified:

1. Natalie Iwasa (Oppose)

In response to questions by Councilmember Anderson, Ms. Iwasa noted that the selection process for the Community Development Block Grant (CDBG) Program and the HOME Investment Partnership Program should also be used for the Fund. Since there are more than 16 categories of nonprofit organizations, the Bill should indicate specific codes for certain types of nonprofit organizations that can apply for the grants. As the Bill currently stands, a labor union, which is a nonprofit organization, can create a program and apply for the grant. She suggested that the Council review and improve the grants selection process.

2. Nelson H. Koyanagi, Jr., Acting Director, Department of Budget and Fiscal Services (D-83) (Oppose)

In response to Councilmember Pine's request to provide language to amend the Bill, Acting Director Koyanagi suggested that the disbursement of the grant funds be defined by rules rather than the 45 days, as currently written in the Bill.

Councilmember Kobayashi explained that the provisions in the Bill are in response to the frustration from nonprofit groups that are strictly monitored by the City and yet, do not receive their grant monies in a timely manner.

3. Pamela Witty Oakland, Director Designate, Department of Community Services (Support)

In response to questions by Council Chair Martin, Director Designate Witty-Oakland explained that she previously worked for a large nonprofit that could tap into a line of credit to support the organization's programs in the event that grants were not promptly awarded. She understands the frustration of nonprofit groups regarding the lengthy disbursement process and hopes to improve the process.

In response to questions by Councilmember Anderson, Council Chair Martin explained the CDBG approval process. The Administration sends a resolution to the Council with recommendations made by the Selection Committee. The Council cannot amend any of the selections because it would void the process and reject the resolution, and therefore, no grantees would be awarded.

Councilmember Harimoto noted for the record that he filed a Disclosure of Interest Statement with the City Clerk's Office (CC-14).

Council Chair Martin urged that the Bill move forward on second reading as the Budget Committee addresses concerns by the Administration. He prefers that the requirement for disbursing funds within a given time frame be retained and that it not be in rule form because upon passage of the Bill, it becomes law and the City will need to comply.

Councilmember Anderson noted his support of the Bill and understands the concerns. He raised issues relating to accountability with the current grants selection and approval process. The Council can either deny the resolution so no one receives any funding, or the Council approves the resolution so everyone is awarded despite concerns that may arise regarding any of the applicants. He emphasized the need for leadership to ensure that funds are awarded to appropriate nonprofit organizations, such as spouse abuse shelters

and community health centers, and not to City departments that already receive large annual budgets.

Committee Report 30 adopted and Bill 4, CD1 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.
NOES: None.

SECOND READING/PUBLIC HEARING
BILL 76 (2012), CD1 – COMMITTEE REPORT 41

A BILL FOR AN ORDINANCE TO REZONE LAND SITUATED AT KAPAHULU, HONOLULU, OAHU, HAWAII.

Councilmember Anderson moved that Committee Report 41 be adopted and Bill 76 (2012) pass second reading, as amended to CD1. Seconded by Councilmember Harimoto.

The following individual testified:

Michael Chu, Agent for Kee Thelma, Inc. (Support)

Committee Report 41 adopted and Bill 76 (2012), CD1 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.
NOES: None.

SECOND READING/PUBLIC HEARING
BILL 3, CD1 – COMMITTEE REPORT 43

A BILL FOR AN ORDINANCE RELATING TO THE DISPOSAL OF WEEDS, GARBAGE, TRASH AND WASTE FROM PROPERTY.

Councilmember Anderson moved that Committee Report 43 be adopted and Bill 3 pass second reading, as amended to CD1. Seconded by Councilmember Harimoto.

The following individual testified:

Natalie Iwasa (Comments)

Committee Report 43 adopted and Bill 3, CD1 passed second reading.

AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN,
 MENOR, PINE, MARTIN - 9.

NOES: None.

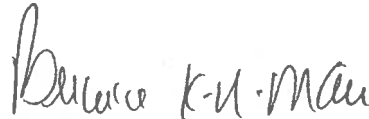
ANNOUNCEMENTS

Councilmember Pine expressed appreciation and commendations to the support staff for the work in setting up the meeting at Kapolei Hale. She also thanked Council Chair Martin's office for providing the meals.

ADJOURNMENT

At 3:12 p.m., Councilmember Anderson moved that the Council stand adjourned until Wednesday, March 20, 2013, at 10 a.m. Seconded by Councilmember Harimoto and there being no objections from the 9 members present, it was so ordered by the Chair.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Bernice K.N. Mau".

BERNICE K.N. MAU
City Clerk

vc/el

DATE APPROVED:

March 20, 2013